

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

APR 11 1994

Date of filing in State Engineer's Office.....

Returned to applicant for correction.....

Corrected application filed.....

Map filed.....

APR 21 1994

The applicant Independence Mining Company, Inc.HC 31, Box 78

of

Elko

Street and No. or P.O. Box No.

City or Town

Nevada 89801

State and Zip Code No.

hereby make application for permission to change the

point of diversion and place of use

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under permit #58460

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is underground
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 0.33 c.f.s. (148.1 gallons per minute)
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for same as existing
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for mining, milling, and domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point within Lot 11, Section 3, T.40N., R.53E., MDM,
Describe as being within a 40-acre subdivision of public survey and by course and
from which W 1/4-section corner of said section bears S. 45°23' W., 1,990 ft. dist.
distance to a section corner. If on unsurveyed land, it should be stated.
6. The existing permitted point of diversion is located within Lot 12, Section 3, T.40N., R.53E., from
If point of diversion is not changed, do not answer.
which the SW corner of said section bears S. 11°36' W., 4,872 ft. dist.
7. Proposed place of use Section 2, 3 & 4, T.40N., R.53E., MDM, and Sections 26, 27, 28,
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
33, 34, and 35, T.41N., R.53E., MDM.
8. Existing place of use Lots 3, 4, 5, 6, 11, 12 (=NW1/4) Sec. 3; Lots 1, 2, 3, 4, 5, 6, 7,
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
8, 9, 10, 11, 12 (=N1/4) Sec. 4, T.40N., R.53E., MDM, and all of Sec. 33, T.41N.,
manner of use of irrigation permit, describe acreage to be removed from irrigation.
R.53E., MDM.
9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day
10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Drilled and cased well, turbine pump; discharge
State manner in which water is to be diverted, i.e. diversion structure.
to storage tank, then to various mining and
milling uses, including dust suppression of local haul roads within the proposed
ditches, pipes and flumes, or drilled well, etc. place of use.
12. Estimated cost of works estimate \$140,000.00
13. Estimated time required to construct works one year

14. Estimated time required to complete the application of water to beneficial use..... 10 years
15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Please send copies of notices and correspondence to the undersigned agent.

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By..... s/William A. Nisbet
421 Court Street
Elko, Nevada 89801

Compared..... pm/ nsr..... cl/cms

Protested.....

APPROVAL
.....OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 58460 is issued subject to the terms and conditions imposed in said Permit 58460 and with the understanding that no other rights on the source will be affected by the change proposed herein. This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance issued under the provisions of NRS 533.371 for a finite period of time. This permit will expire on August 30, 1998 and all rights herein will revert back to the source. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.
(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 0.33cubic feet per second but not to exceed 145.5 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before..... April 23, 1998

Proof of completion of work shall be filed before..... May 23, 1998

Application of water to beneficial use shall be made on or before..... August 30, 1998

Proof of the application of water to beneficial use shall be filed on or before..... Permit Expires August 30, 1998

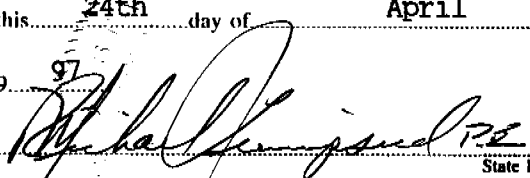
Map in support of proof of beneficial use shall be filed on or before..... N/A

Completion of work filed.....

Proof of beneficial use filed

Cultural map filed.....

Certificate No..... Issued

R. MICHAEL TURNIPSEED, P.E.
IN TESTIMONY WHEREOF, I,
State Engineer of Nevada, have hereunto set my hand and the seal of my
office, this..... 24thday of..... April
A.D. 19..... 97

State Engineer

(PERMIT TERMS CONTINUED)

The total combined duty of water under Permits 50675, 52771, 54192, 54878, 59911, 61393, 61394, 62306, 62307, 62428 and 62429 shall not exceed 2,500.0 acre-feet annually.

The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the groundwater basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Upon completion of the injection or infiltration program plan, prepare and submit a map to the State Engineer illustrating the location of the sites and delivery system.

Monthly records shall be kept of the following information: (1) The instantaneous pumping rate and the volume of water pumped from each well or other groundwater or surface diversion site, (2) The volume of water consumptively used for mining and milling purposes, (3) The volume of water discharged for disposal, and (4) The water level in each injection well and the change from the last measurement. These records shall be submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

All of the above stated conditions are issued subject to having no adverse impacts on existing rights.